

**Introduced by Senator Wyland**

February 21, 2014

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An act to amend Sections 41020, 42127, 42238.07, 52052, 52060, 52061, 52063, 52064, 52066, 52067, 52069, 52071, and 52071.5 of, and to add Section 54030 to, the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1346, as introduced, Wyland. Schools: accountability: local control and accountability plans.

(1) Existing law establishes the public school system in this state and, among other things, provides for the establishment of county superintendents of schools, school districts, and charter schools throughout the state. Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified. Existing law, by not later than May 1 of each fiscal year, requires the governing board of each local educational agency to provide for an audit of the books and accounts of the local educational agency, as specified.

This bill would require an audit of a local educational agency to also include whether expenditures were in compliance with the regulations related to the expenditure of moneys apportioned on the basis of the number and concentration of unduplicated pupils, as defined.

(2) Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index to measure the performance of schools and school districts, especially the academic performance of pupils. Existing law requires a school or school district to demonstrate comparable improvement in academic achievement as measured by the Academic

Performance Index by all numerically significant pupil subgroups at the school or school district, as specified.

This bill would add reclassified English learners, as provided, to the list of pupil subgroups concerning which a school or school district is required to demonstrate this improvement, if the subgroup is numerically significant. By adding to the duties of local educational agencies, this bill would impose a state-mandated local program.

(3) Existing law requires a county board of education and a governing board of a school district to annually adopt or revise a local control and accountability plan that aligns with its annual budget and contains certain elements, including, among other elements, a description of the annual goals for all pupils and specified subgroups of pupils to be achieved for each specified state priority. Existing law requires a charter for a charter school to include many of the local control and accountability plan elements and requires the charter school to annually update its plan related to those elements.

Existing law, an initiative measure, requires that all children in public schools, with certain exceptions, be taught English by being taught in English, requires that all children be placed in English language classrooms, and requires that children who are English learners be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year.

This bill would revise provisions regarding local control and accountability plans, primarily in regard to English learners, including requiring each county superintendent of schools and the governing board of a school district to include a listing and description of certain expenditures in its local control and accountability plan, as specified. The bill would add to the list of state priorities the extent to which teachers, administrators, and staff receive professional development or participate in induction programs, including the type and subject areas of the professional development provided. By adding to the duties of local educational agencies, this bill would impose a state-mandated local program.

(4) Existing law, on or before March 31, 2014, requires the State Board of Education to adopt templates for use by school districts and county superintendents of schools to meet the requirement of local control and accountability plans.

This bill would require the templates developed by the state board to, among other things, ensure that each school district, county superintendent of schools, or charter school that receives supplemental

and concentration funds for unduplicated pupils include specified information in its local control and accountability plan.

(5) Existing law requires, on or before July 1 of each fiscal year, the governing board of each school district to, among other things, adopt a budget, as provided. Existing law requires the county superintendent of schools to determine whether the adopted budget includes the expenditures necessary to implement the local control and accountability plan or annual update to the local control and accountability plan approved by the county superintendent of schools.

This bill would require the county superintendent of schools to also determine whether the adopted budget complies with the regulations related to the expenditure of moneys apportioned on the basis of the number and concentration of unduplicated pupils, as defined.

(6) Existing law requires the governing board of a school district to establish a parent advisory committee to provide advice to the governing board of the school district and the superintendent of the school district, as specified. Existing law additionally requires the governing board of a school district to establish an English learner parent advisory committee if the enrollment of the school district includes at least 15% English learners and the school district enrolls at least 50 pupils who are English learners.

This bill would instead require the governing board of a school district to establish a districtwide parent advisory committee and, as a condition of state supplemental grant funds, if either the enrollment of the school district includes at least 15% English learners or the school district enrolls at least 50 pupils who are English learners, to establish a districtwide English learner parent advisory committee. The bill would require the districtwide English learner parent advisory committee to advise the governing board of the school district on specified tasks, including, among others, the establishment of school district goals and objectives for programs and services for English learners and school district reclassification procedures.

(7) Existing law requires a county superintendent of schools to establish an English learner parent advisory committee if the enrollment of the pupils in the schools and programs operated by the county superintendent of schools includes at least 15% English learners and the schools and programs operated by the county superintendent of schools enroll at least 50 pupils who are English learners.

This bill would instead require a county superintendent of schools to establish an English learner parent advisory committee if either the

enrollment of the pupils in the schools and programs operated by the county superintendent of schools includes at least 15% English learners or the schools and programs operated by the county superintendent of schools enroll at least 50 pupils who are English learners.

(8) This bill would make other related and conforming changes and various nonsubstantive changes.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 41020 of the Education Code is amended  
2 to read:

3 41020. (a) It is the intent of the Legislature to encourage sound  
4 fiscal management practices among local educational agencies for  
5 the most efficient and effective use of public funds for the  
6 education of children in California by strengthening fiscal  
7 accountability at the school district, county, and state levels.

8 (b) (1) Not later than the first day of May of each fiscal year,  
9 each county superintendent of schools shall provide for an audit  
10 of all funds under his or her jurisdiction and control and the  
11 governing board of each local educational agency shall either  
12 provide for an audit of the books and accounts of the local  
13 educational agency, including an audit of income and expenditures  
14 by source of funds, or make arrangements with the county  
15 superintendent of schools having jurisdiction over the local  
16 educational agency to provide for that auditing.

17 (2) A contract to perform the audit of a local educational agency  
18 that has a disapproved budget or has received a negative  
19 certification on any budget or interim financial report during the  
20 current fiscal year or either of the two preceding fiscal years, or  
21 for which the county superintendent of schools has otherwise  
22 determined that a lack of going concern exists, is not valid unless

1 approved by the responsible county superintendent of schools and  
2 the governing board.

3 (3) If the governing board of a local educational agency has not  
4 provided for an audit of the books and accounts of the local  
5 educational agency by April 1, the county superintendent of schools  
6 having jurisdiction over the local educational agency shall provide  
7 for the audit of each local educational agency.

8 (4) An audit conducted pursuant to this section shall comply  
9 fully with the Government Auditing Standards issued by the  
10 Comptroller General of the United States.

11 (5) For purposes of this section, “local educational agency” does  
12 not include community colleges.

13 (c) Each audit conducted in accordance with this section shall  
14 include all funds of the local educational agency, including the  
15 student body and cafeteria funds and accounts and any other funds  
16 under the control or jurisdiction of the local educational agency.  
17 Each audit shall also include an audit of pupil attendance  
18 procedures. Each audit shall include a determination of whether  
19 funds were expended pursuant to a local control and accountability  
20 plan or an approved annual update to a local control and  
21 accountability plan pursuant to Article 4.5 (commencing with  
22 Section 52060) of Chapter 6.1 of Part 28 of Division ~~4~~. *4 and*  
23 *whether expenditures were in compliance with the regulations*  
24 *adopted pursuant to Section 42238.07.*

25 (d) All audit reports for each fiscal year shall be developed and  
26 reported using a format established by the Controller after  
27 consultation with the Superintendent and the Director of Finance.

28 (e) (1) The cost of the audits provided for by the county  
29 superintendent of schools shall be paid from the county school  
30 service fund and the county superintendent of schools shall transfer  
31 the pro rata share of the cost chargeable to each school district  
32 from school district funds.

33 (2) The cost of the audit provided for by a governing board of  
34 a local educational agency shall be paid from local educational  
35 agency funds. The audit of the funds under the jurisdiction and  
36 control of the county superintendent of schools shall be paid from  
37 the county school service fund.

38 (f) (1) The audits shall be made by a certified public accountant  
39 or a public accountant, licensed by the California Board of  
40 Accountancy, and selected by the local educational agency, as

1 applicable, from a directory of certified public accountants and  
2 public accountants deemed by the Controller as qualified to conduct  
3 audits of local educational agencies, which shall be published by  
4 the Controller not later than December 31 of each year.

5 (2) Commencing with the 2003–04 fiscal year and except as  
6 provided in subdivision (d) of Section 41320.1, it is unlawful for  
7 a public accounting firm to provide audit services to a local  
8 educational agency if the lead audit partner, or coordinating audit  
9 partner, having primary responsibility for the audit, or the audit  
10 partner responsible for reviewing the audit, has performed audit  
11 services for that local educational agency in each of the six previous  
12 fiscal years. The Education Audits Appeal Panel may waive this  
13 requirement if the panel finds that no otherwise eligible auditor is  
14 available to perform the audit.

15 (3) It is the intent of the Legislature that, notwithstanding  
16 paragraph (2), the rotation within public accounting firms conform  
17 to provisions of the federal Sarbanes-Oxley Act of 2002 (Public  
18 Law 107-204; 15 U.S.C. Sec. 7201 et seq.), and upon release of  
19 the report required by the act of the Comptroller General of the  
20 United States addressing the mandatory rotation of registered  
21 public accounting firms, the Legislature intends to reconsider the  
22 provisions of paragraph (2). In determining which certified public  
23 accountants and public accountants shall be included in the  
24 directory, the Controller shall use the following criteria:

25 (A) The certified public accountants or public accountants shall  
26 be in good standing as certified by the *California* Board of  
27 Accountancy.

28 (B) The certified public accountants or public accountants, as  
29 a result of a quality control review conducted by the Controller  
30 pursuant to Section 14504.2, shall not have been found to have  
31 conducted an audit in a manner constituting noncompliance with  
32 subdivision (a) of Section 14503.

33 (g) (1) The auditor's report shall include each of the following:

34 (A) A statement that the audit was conducted pursuant to  
35 standards and procedures developed in accordance with Chapter  
36 3 (commencing with Section 14500) of Part 9 of Division 1 of  
37 Title 1.

38 (B) A summary of audit exceptions and management  
39 improvement recommendations.

1 (C) Each audit of a local educational agency shall include an  
2 evaluation by the auditor on whether there is substantial doubt  
3 about the ability of the local educational agency to continue as a  
4 going concern for a reasonable period of time. This evaluation  
5 shall be based on the Statement on Auditing Standards (SAS) No.  
6 59, as issued by the AICPA regarding disclosure requirements  
7 relating to the ability of the entity to continue as a going concern.

8 (2) To the extent possible, a description of correction or plan  
9 of correction shall be incorporated in the audit report, describing  
10 the specific actions that are planned to be taken, or that have been  
11 taken, to correct the problem identified by the auditor. The  
12 descriptions of specific actions to be taken or that have been taken  
13 shall not solely consist of general comments such as “will  
14 implement,” “accepted the recommendation,” or “will discuss at  
15 a later date.”

16 (h) Not later than December 15, a report of each local  
17 educational agency audit for the preceding fiscal year shall be filed  
18 with the county superintendent of schools of the county in which  
19 the local educational agency is located, the department, and the  
20 Controller. The Superintendent shall make any adjustments  
21 necessary in future apportionments of all state funds, to correct  
22 any audit exceptions revealed by those audit reports.

23 (i) (1) Commencing with the 2002–03 audit of local educational  
24 agencies pursuant to this section and subdivision (d) of Section  
25 41320.1, each county superintendent of schools shall be responsible  
26 for reviewing the audit exceptions contained in an audit of a local  
27 educational agency under his or her jurisdiction related to  
28 attendance, inventory of equipment, internal control, and any  
29 miscellaneous items, and determining whether the exceptions have  
30 been either corrected or an acceptable plan of correction has been  
31 developed.

32 (2) Commencing with the 2004–05 audit of local educational  
33 agencies pursuant to this section and subdivision (d) of Section  
34 41320.1, each county superintendent of schools shall include in  
35 the review of audit exceptions performed pursuant to this  
36 subdivision those audit exceptions related to use of instructional  
37 materials program funds, teacher misassignments pursuant to  
38 Section 44258.9, information reported on the school accountability  
39 report card required pursuant to Section 33126 and shall determine

1 whether the exceptions are either corrected or an acceptable plan  
2 of correction has been developed.

3 (j) Upon submission of the final audit report to the governing  
4 board of each local educational agency and subsequent receipt of  
5 the audit by the county superintendent of schools having  
6 jurisdiction over the local educational agency, the county office  
7 of education shall do all of the following:

8 (1) Review audit exceptions related to attendance, inventory of  
9 equipment, internal control, and other miscellaneous exceptions.  
10 Attendance exceptions or issues shall include, but not be limited  
11 to, those related to local control funding formula allocations  
12 pursuant to Section 42238.02, as implemented by Section 42238.03,  
13 and independent study.

14 (2) If a description of the correction or plan of correction has  
15 not been provided as part of the audit required by this section, then  
16 the county superintendent of schools shall notify the local  
17 educational agency and request the governing board of the local  
18 educational agency to provide to the county superintendent of  
19 schools a description of the corrections or plan of correction by  
20 March 15.

21 (3) Review the description of correction or plan of correction  
22 and determine its adequacy. If the description of the correction or  
23 plan of correction is not adequate, the county superintendent of  
24 schools shall require the local educational agency to resubmit that  
25 portion of its response that is inadequate.

26 (k) Each county superintendent of schools shall certify to the  
27 Superintendent and the Controller, not later than May 15, that his  
28 or her staff has reviewed all audits of local educational agencies  
29 under his or her jurisdiction for the prior fiscal year, that all  
30 exceptions that the county superintendent was required to review  
31 were reviewed, and that all of those exceptions, except as otherwise  
32 noted in the certification, have been corrected by the local  
33 educational agency or that an acceptable plan of correction has  
34 been submitted to the county superintendent of schools. In addition,  
35 the county superintendent shall identify, by local educational  
36 agency, any attendance-related audit exception or exceptions  
37 involving state funds, and require the local educational agency to  
38 which the audit exceptions were directed to submit appropriate  
39 reporting forms for processing by the Superintendent.



1 (l) In the audit of a local educational agency for a subsequent  
2 year, the auditor shall review the correction or plan or plans of  
3 correction submitted by the local educational agency to determine  
4 if the exceptions have been resolved. If not, the auditor shall  
5 immediately notify the appropriate county office of education and  
6 the department and restate the exception in the audit report. After  
7 receiving that notification, the department shall either consult with  
8 the local educational agency to resolve the exception or require  
9 the county superintendent of schools to follow up with the local  
10 educational agency.

11 (m) (1) The Superintendent shall be responsible for ensuring  
12 that local educational agencies have either corrected or developed  
13 plans of correction for any one or more of the following:

14 (A) All federal and state compliance audit exceptions identified  
15 in the audit.

16 (B) Any exceptions that the county superintendent certifies as  
17 of May 15 have not been corrected.

18 (C) Any repeat audit exceptions that are not assigned to a county  
19 superintendent to correct.

20 (2) In addition, the Superintendent shall be responsible for  
21 ensuring that county superintendents of schools and each county  
22 board of education that serves as the governing board of a local  
23 educational agency either correct all audit exceptions identified in  
24 the audits of county superintendents of schools and of the local  
25 educational agencies for which the county boards of education  
26 serve as the governing boards or develop acceptable plans of  
27 correction for those exceptions.

28 (3) The Superintendent shall report annually to the Controller  
29 on his or her actions to ensure that school districts, county  
30 superintendents of schools, and each county board of education  
31 that serves as the governing board of a school district have either  
32 corrected or developed plans of correction for any of the exceptions  
33 noted pursuant to paragraph (1).

34 (n) To facilitate correction of the exceptions identified by the  
35 audits issued pursuant to this section, commencing with 2002–03  
36 audits pursuant to this section, the Controller shall require auditors  
37 to categorize audit exceptions in each audit report in a manner that  
38 will make it clear to both the county superintendent of schools and  
39 the Superintendent which exceptions they are responsible for  
40 ensuring the correction of by a local educational agency. In

1 addition, the Controller annually shall select a sampling of county  
2 superintendents of schools and perform a followup of the audit  
3 resolution process of those county superintendents of schools and  
4 report the results of that followup to the Superintendent and the  
5 county superintendents of schools that were reviewed.

6 (o) County superintendents of schools shall adjust subsequent  
7 local property tax requirements to correct audit exceptions relating  
8 to local educational agency tax rates and tax revenues.

9 (p) If a governing board or county superintendent of schools  
10 fails or is unable to make satisfactory arrangements for the audit  
11 pursuant to this section, the Controller shall make arrangements  
12 for the audit and the cost of the audit shall be paid from local  
13 educational agency funds or the county school service fund, as the  
14 case may be.

15 (q) Audits of regional occupational centers and programs are  
16 subject to the provisions of this section.

17 (r) This section does not authorize examination of, or reports  
18 on, the curriculum used or provided for in any local educational  
19 agency.

20 (s) Notwithstanding any other ~~provision of law, a nonauditing,~~  
21 ~~law, an auditing,~~ management, or other consulting service to be  
22 provided to a local educational agency by a certified public  
23 accounting firm while the certified public accounting firm is  
24 performing an audit of the agency pursuant to this section must be  
25 in accord with Government Accounting Standards, Amendment  
26 No. 3, as published by the United States General Accounting  
27 Office.

28 SEC. 2. Section 42127 of the Education Code is amended to  
29 read:

30 42127. (a) On or before July 1 of each year, the governing  
31 board of each school district shall accomplish the following:

32 (1) Hold a public hearing on the budget to be adopted for the  
33 subsequent fiscal year. The budget to be adopted shall be prepared  
34 in accordance with Section 42126. The agenda for that hearing  
35 shall be posted at least 72 hours before the public hearing and shall  
36 include the location where the budget will be available for public  
37 inspection.

38 (A) For the 2011–12 fiscal year, notwithstanding any of the  
39 standards and criteria adopted by the state board pursuant to Section  
40 33127, each school district budget shall project the same level of

1 revenue per unit of average daily attendance as it received in the  
2 2010–11 fiscal year and shall maintain staffing and program levels  
3 commensurate with that level.

4 (B) For the 2011–12 fiscal year, the school district shall not be  
5 required to demonstrate that it is able to meet its financial  
6 obligations for the two subsequent fiscal years.

7 (2) Adopt a budget. Not later than five days after that adoption  
8 or by July 1, whichever occurs first, the governing board of the  
9 school district shall file that budget with the county superintendent  
10 of schools. The budget and supporting data shall be maintained  
11 and made available for public review. If the governing board of  
12 the school district does not want all or a portion of the property  
13 tax requirement levied for the purpose of making payments for the  
14 interest and redemption charges on indebtedness as described in  
15 paragraph (1) or (2) of subdivision (b) of Section 1 of Article  
16 XIII A of the California Constitution, the budget shall include a  
17 statement of the amount or portion for which a levy shall not be  
18 made. For the 2014–15 fiscal year and each fiscal year thereafter,  
19 the governing board of the school district shall not adopt a budget  
20 before the governing board of the school district adopts a local  
21 control and accountability plan, if an existing local control and  
22 accountability plan or annual update to a local control and  
23 accountability plan is not effective for the budget year. The  
24 governing board of a school district shall not adopt a budget that  
25 does not include the expenditures necessary to implement the local  
26 control and accountability plan or the annual update to a local  
27 control and accountability plan that is effective during the  
28 subsequent fiscal year.

29 (b) The county superintendent of schools may accept changes  
30 in any statement included in the budget, pursuant to subdivision  
31 (a), of the amount or portion for which a property tax levy shall  
32 not be made. The county superintendent of schools or the county  
33 auditor shall compute the actual amounts to be levied on the  
34 property tax rolls of the school district for purposes that exceed  
35 apportionments to the school district pursuant to Chapter 6  
36 (commencing with Section 95) of Part 0.5 of Division 1 of the  
37 Revenue and Taxation Code. Each school district shall provide all  
38 data needed by the county superintendent of schools or the county  
39 auditor to compute the amounts. On or before August 15, the  
40 county superintendent of schools shall transmit the amounts

1 computed to the county auditor who shall compute the tax rates  
2 necessary to produce the amounts. On or before September 1, the  
3 county auditor shall submit the rate computed to the board of  
4 supervisors for adoption.

5 (c) The county superintendent of schools shall do all of the  
6 following:

7 (1) Examine the adopted budget to determine whether it  
8 complies with the standards and criteria adopted by the state board  
9 pursuant to Section 33127 for application to final local educational  
10 agency budgets. The county superintendent of schools shall  
11 identify, if necessary, technical corrections that are required to be  
12 made to bring the budget into compliance with those standards  
13 and criteria.

14 (2) Determine whether the adopted budget will allow the school  
15 district to meet its financial obligations during the fiscal year and  
16 is consistent with a financial plan that will enable the school district  
17 to satisfy its multiyear financial commitments. In addition to his  
18 or her own analysis of the budget of each school district, the county  
19 superintendent of schools shall review and consider studies, reports,  
20 evaluations, or audits of the school district that were commissioned  
21 by the school district, the county superintendent of schools, the  
22 Superintendent, and state control agencies and that contain  
23 evidence that the school district is showing fiscal distress under  
24 the standards and criteria adopted in Section 33127 or that contain  
25 a finding by an external reviewer that more than 3 of the 15 most  
26 common predictors of a school district needing intervention, as  
27 determined by the County Office Fiscal Crisis and Management  
28 Assistance Team, are present. The county superintendent of schools  
29 shall either conditionally approve or disapprove a budget that does  
30 not provide adequate assurance that the school district will meet  
31 its current and future obligations and resolve any problems  
32 identified in studies, reports, evaluations, or audits described in  
33 this paragraph.

34 (3) Determine whether the adopted budget includes the  
35 expenditures necessary to implement the local control and  
36 accountability plan or annual update to the local control and  
37 accountability plan approved by the county superintendent of  
38 ~~schools~~ *schools and whether those expenditures comply with the*  
39 *regulations adopted pursuant to Section 42238.07.*

1 (d) (1) On or before August 15, the county superintendent of  
2 schools shall approve, conditionally approve, or disapprove the  
3 adopted budget for each school district. For the 2014–15 fiscal  
4 year and each fiscal year thereafter, the county superintendent of  
5 schools shall disapprove a budget if the county superintendent of  
6 schools determines that the budget does not include the  
7 expenditures necessary to implement a local control and  
8 accountability plan or an annual update to the local control and  
9 accountability plan approved by the county superintendent of  
10 ~~schools~~. *schools or does not comply with the regulations adopted*  
11 *pursuant to Section 42238.07.* If a school district does not submit  
12 a budget to the county superintendent of schools, the county  
13 superintendent of schools shall develop, at school district expense,  
14 a budget for that school district by September 15 and transmit that  
15 budget to the governing board of the school district. The budget  
16 prepared by the county superintendent of schools shall be deemed  
17 adopted, unless the county superintendent of schools approves any  
18 modifications made by the governing board of the school district.  
19 The approved budget shall be used as a guide for the school  
20 district's priorities. The Superintendent shall review and certify  
21 the budget approved by the county. If, pursuant to the review  
22 conducted pursuant to subdivision (c), the county superintendent  
23 of schools determines that the adopted budget for a school district  
24 does not satisfy paragraph (1), (2), or (3) of that subdivision, he  
25 or she shall conditionally approve or disapprove the budget and,  
26 not later than August 15, transmit to the governing board of the  
27 school district, in writing, his or her recommendations regarding  
28 revision of the budget and the reasons for those recommendations,  
29 including, but not limited to, the amounts of any budget  
30 adjustments needed before he or she can approve that budget. The  
31 county superintendent of schools may assign a fiscal adviser to  
32 assist the school district to develop a budget in compliance with  
33 those revisions. In addition, the county superintendent of schools  
34 may appoint a committee to examine and comment on the  
35 superintendent's review and recommendations, subject to the  
36 requirement that the committee report its findings to the county  
37 superintendent of schools no later than August 20. For the 2011–12  
38 fiscal year, notwithstanding any of the standards and criteria  
39 adopted by the state board pursuant to Section 33127, the county  
40 superintendent of schools, as a condition on approval of a school

1 district budget, shall not require a school district to project a lower  
2 level of revenue per unit of average daily attendance than it  
3 received in the 2010–11 fiscal year nor require the school district  
4 to demonstrate that it is able to meet its financial obligations for  
5 the two subsequent fiscal years.

6 (2) Notwithstanding any other provision of this article, for the  
7 2014–15 fiscal year and each fiscal year thereafter, the budget  
8 shall not be adopted or approved by the county superintendent of  
9 schools before a local control and accountability plan or update to  
10 an existing local control and accountability plan for the budget  
11 year is approved.

12 (e) On or before September 8, the governing board of the school  
13 district shall revise the adopted budget to reflect changes in  
14 projected income or expenditures subsequent to July 1, and to  
15 include any response to the recommendations of the county  
16 superintendent of schools, shall adopt the revised budget, and shall  
17 file the revised budget with the county superintendent of schools.  
18 Before revising the budget, the governing board of the school  
19 district shall hold a public hearing regarding the proposed revisions,  
20 to be conducted in accordance with Section 42103. In addition, if  
21 the adopted budget is disapproved pursuant to subdivision (d), the  
22 governing board of the school district and the county  
23 superintendent of schools shall review the disapproval and the  
24 recommendations of the county superintendent of schools regarding  
25 revision of the budget at the public hearing. The revised budget  
26 and supporting data shall be maintained and made available for  
27 public review.

28 (1) For the 2011–12 fiscal year, notwithstanding any of the  
29 standards and criteria adopted by the state board pursuant to Section  
30 33127, each school district budget shall project the same level of  
31 revenue per unit of average daily attendance as it received in the  
32 2010–11 fiscal year and shall maintain staffing and program levels  
33 commensurate with that level.

34 (2) For the 2011–12 fiscal year, the school district shall not be  
35 required to demonstrate that it is able to meet its financial  
36 obligations for the two subsequent fiscal years.

37 (f) On or before September 22, the county superintendent of  
38 schools shall provide a list to the Superintendent identifying all  
39 school districts for which budgets may be disapproved.

1 (g) (1) The county superintendent of schools shall examine the  
2 revised budget to determine whether it ~~(1)~~ (A) complies with the  
3 standards and criteria adopted by the state board pursuant to Section  
4 33127 for application to final local educational agency budgets,  
5 ~~(2)~~ (B) allows the school district to meet its financial obligations  
6 during the fiscal year, ~~(3)~~ (C) satisfies all conditions established  
7 by the county superintendent of schools in the case of a  
8 conditionally approved budget, and ~~(4)~~ (D) is consistent with a  
9 financial plan that will enable the school district to satisfy its  
10 multiyear financial commitments, and, not later than October 8,  
11 shall approve or disapprove the revised budget. If the county  
12 superintendent of schools disapproves the budget, he or she shall  
13 call for the formation of a budget review committee pursuant to  
14 Section 42127.1, unless the governing board of the school district  
15 and the county superintendent of schools agree to waive the  
16 requirement that a budget review committee be formed and the  
17 department approves the waiver after determining that a budget  
18 review committee is not necessary. Upon the grant of a waiver,  
19 the county superintendent of schools immediately has the authority  
20 and responsibility provided in Section 42127.3. Upon approving  
21 a waiver of the budget review committee, the department shall  
22 ensure that a balanced budget is adopted for the school district by  
23 November 30. If no budget is adopted by November 30, the  
24 Superintendent may adopt a budget for the school district. The  
25 Superintendent shall report to the Legislature and the Director of  
26 Finance by December 10 if any school district, including a school  
27 district that has received a waiver of the budget review committee  
28 process, does not have an adopted budget by November 30. This  
29 report shall include the reasons why a budget has not been adopted  
30 by the deadline, the steps being taken to finalize budget adoption,  
31 the date the adopted budget is anticipated, and whether the  
32 Superintendent has or will exercise his or her authority to adopt a  
33 budget for the school district. For the 2011–12 fiscal year,  
34 notwithstanding any of the standards and criteria adopted by the  
35 state board pursuant to Section 33127, the county superintendent  
36 of schools, as a condition on approval of a school district budget,  
37 shall not require a school district to project a lower level of revenue  
38 per unit of average daily attendance than it received in the 2010–11  
39 fiscal year nor require the school district to demonstrate that it is

1 able to meet its financial obligations for the two subsequent fiscal  
2 years.

3 (2) Notwithstanding any other law, for the 2014–15 fiscal year  
4 and each fiscal year thereafter, if the county superintendent of  
5 schools disapproves the budget for the sole reason that the county  
6 superintendent of schools has not approved a local control and  
7 accountability plan or an annual update to the local control and  
8 accountability plan filed by the school district pursuant to Section  
9 52061, the county superintendent of schools shall not call for the  
10 formation of a budget review committee pursuant to Section  
11 42127.1.

12 (h) Not later than October 8, the county superintendent of  
13 schools shall submit a report to the Superintendent identifying all  
14 school districts for which budgets have been disapproved or budget  
15 review committees waived. The report shall include a copy of the  
16 written response transmitted to each of those school districts  
17 pursuant to paragraph (1) of subdivision (d).

18 (i) Notwithstanding any other provision of this section, the  
19 budget review for a school district shall be governed by paragraphs  
20 (1), (2), and (3), rather than by subdivisions (e) and (g), if the  
21 governing board of the school district so elects and notifies the  
22 county superintendent of schools in writing of that decision, not  
23 later than October 31 of the immediately preceding calendar year.  
24 On or before July 1, the governing board of a school district for  
25 which the budget review is governed by this subdivision, rather  
26 than by subdivisions (e) and (g), shall conduct a public hearing  
27 regarding its proposed budget in accordance with Section 42103.

28 (1) If the adopted budget of a school district is disapproved  
29 pursuant to subdivision (d), on or before September 8, the  
30 governing board of the school district, in conjunction with the  
31 county superintendent of schools, shall review the superintendent's  
32 recommendations at a regular meeting of the governing board of  
33 the school district and respond to those recommendations. The  
34 response shall include any revisions to the adopted budget and  
35 other proposed actions to be taken, if any, as a result of those  
36 recommendations.

37 (2) On or before September 22, the county superintendent of  
38 schools shall provide a list to the Superintendent identifying all  
39 school districts for which a budget may be tentatively disapproved.



(3) Not later than October 8, after receiving the response required under paragraph (1), the county superintendent of schools shall review that response and either approve or disapprove the budget. Except as provided in paragraph (2) of subdivision (g), if the county superintendent of schools disapproves the budget, he or she shall call for the formation of a budget review committee pursuant to Section 42127.1, unless the governing board of the school district and the county superintendent of schools agree to waive the requirement that a budget review committee be formed and the department approves the waiver after determining that a budget review committee is not necessary. Upon the grant of a waiver, the county superintendent has the authority and responsibility provided to a budget review committee in Section 42127.3. Upon approving a waiver of the budget review committee, the department shall ensure that a balanced budget is adopted for the school district by November 30. The Superintendent shall report to the Legislature and the Director of Finance by December 10 if any school district, including a school district that has received a waiver of the budget review committee process, does not have an adopted budget by November 30. This report shall include the reasons why a budget has not been adopted by the deadline, the steps being taken to finalize budget adoption, and the date the adopted budget is anticipated. For the 2011–12 fiscal year, notwithstanding any of the standards and criteria adopted by the state board pursuant to Section 33127, the county superintendent of schools, as a condition on approval of a school district budget, shall not require a school district to project a lower level of revenue per unit of average daily attendance than it received in the 2010–11 fiscal year nor require the school district to demonstrate that it is able to meet its financial obligations for the two subsequent fiscal years.

(4) Not later than 45 days after the Governor signs the annual Budget Act, the school district shall make available for public review any revisions in revenues and expenditures that it has made to its budget to reflect the funding made available by that Budget Act.

(j) Any school district for which the county board of education serves as the governing board of the school district is not subject to subdivisions (c) to (h), inclusive, but is governed instead by the budget procedures set forth in Section 1622.

SEC. 3. Section 42238.07 of the Education Code is amended to read:

42238.07. (a) On or before January 31, 2014, the state board shall adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 2574, 2575, 42238.02, and 42238.03. The regulations shall include, but are not limited to, provisions that do all of the following:

(1) Require a school district, county office of education, or charter school to increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils in the school district, county office of education, or charter school.

(2) Authorize a school district, county office of education, or charter school to use funds apportioned on the basis of the number *and concentration* of unduplicated pupils for schoolwide purposes, ~~or, for school districts, districtwide purposes, for county offices purposes. The regulations governing the expenditures of education, countywide purposes, or moneys for charter schools, charterwide purposes, in a manner that is no schoolwide purposes shall not be~~ more restrictive than the restrictions provided for in Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. ~~6301~~, 6301 et seq.).

(3) *Authorize a school district or county office of education to use of funds apportioned on the basis of the number and concentration of unduplicated pupils, for school districts, for districtwide purposes, or, for county offices of education, for countywide purposes.*

(b) The state board may adopt emergency regulations for purposes of this section.

SEC. 4. Section 52052 of the Education Code is amended to read:

52052. (a) (1) The Superintendent, with approval of the state board, shall develop an Academic Performance Index (API), to measure the performance of schools and school districts, especially the academic performance of pupils.

(2) A school or school district shall demonstrate comparable improvement in academic achievement as measured by the API by all numerically significant pupil subgroups at the school or school district, including:

1 (A) Ethnic subgroups.

2 (B) Socioeconomically disadvantaged pupils.

3 (C) English learners.

4 (D) Pupils with disabilities.

5 (E) Foster youth.

6 (F) *Reclassified English learners. The inclusion of reclassified*  
7 *English learners in the API shall, at a minimum, be consistent with*  
8 *the manner in which reclassified English learners are included in*  
9 *the determination of adequate yearly progress, as required by*  
10 *Section 6311(b)(2)(B) of the federal No Child Left Behind Act of*  
11 *2001 (20 U.S.C. Sec. 6301 et seq.).*

12 (3) (A) For purposes of this section, a numerically significant  
13 pupil subgroup is one that consists of at least 30 pupils, each of  
14 whom has a valid test score.

15 (B) Notwithstanding subparagraph (A), for a subgroup of pupils  
16 who are foster youth, a numerically significant pupil subgroup is  
17 one that consists of at least 15 pupils.

18 (C) For a school or school district with an API score that is  
19 based on no fewer than 11 and no more than 99 pupils with valid  
20 test scores, numerically significant pupil subgroups shall be defined  
21 by the Superintendent, with approval by the state board.

22 (4) (A) The API shall consist of a variety of indicators currently  
23 reported to the department, including, but not limited to, the results  
24 of the achievement test administered pursuant to Section 60640,  
25 attendance rates for pupils in elementary schools, middle schools,  
26 and secondary schools, and the graduation rates for pupils in  
27 secondary schools.

28 (B) The Superintendent, with the approval of the state board,  
29 may also incorporate into the API the rates at which pupils  
30 successfully promote from one grade to the next in middle school  
31 and high school, and successfully matriculate from middle school  
32 to high school.

33 (C) Graduation rates for pupils in secondary schools shall be  
34 calculated for the API as follows:

35 (i) Four-year graduation rates shall be calculated by taking the  
36 number of pupils who graduated on time for the current school  
37 year, which is considered to be three school years after the pupils  
38 entered grade 9 for the first time, and dividing that number by the  
39 total calculated in clause (ii).

(ii) The number of pupils entering grade 9 for the first time in the school year three school years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was three school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was three school years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(iii) Five-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be four school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (iv).

(iv) The number of pupils entering grade 9 for the first time in the school year four years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was four school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was four years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(v) Six-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be five school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (vi).

(vi) The number of pupils entering grade 9 for the first time in the school year five years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was five school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was five years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(D) The inclusion of five- and six-year graduation rates for pupils in secondary schools shall meet the following requirements:

1 (i) Schools and school districts shall be granted one-half the  
2 credit in their API scores for graduating pupils in five years that  
3 they are granted for graduating pupils in four years.

4 (ii) Schools and school districts shall be granted one-quarter the  
5 credit in their API scores for graduating pupils in six years that  
6 they are granted for graduating pupils in four years.

7 (iii) Notwithstanding clauses (i) and (ii), schools and school  
8 districts shall be granted full credit in their API scores for  
9 graduating in five or six years a pupil with disabilities who  
10 graduates in accordance with his or her individualized education  
11 program.

12 (E) The pupil data collected for the API that comes from the  
13 achievement test administered pursuant to Section 60640 and the  
14 high school exit examination administered pursuant to Section  
15 60851, when fully implemented, shall be disaggregated by special  
16 education status, English learners, socioeconomic status, gender,  
17 and ethnic group. Only the test scores of pupils who were counted  
18 as part of the enrollment in the annual data collection of the  
19 California Basic Educational Data System for the current fiscal  
20 year and who were continuously enrolled during that year may be  
21 included in the test result reports in the API score of the school.

22 (F) (i) Commencing with the baseline API calculation in 2016,  
23 and for each year thereafter, results of the achievement test and  
24 other tests specified in subdivision (b) shall constitute no more  
25 than 60 percent of the value of the index for secondary schools.

26 (ii) In addition to the elements required by this paragraph, the  
27 Superintendent, with approval of the state board, may incorporate  
28 into the index for secondary schools valid, reliable, and stable  
29 measures of pupil preparedness for postsecondary education and  
30 career.

31 (G) Results of the achievement test and other tests specified in  
32 subdivision (b) shall constitute at least 60 percent of the value of  
33 the index for primary schools and middle schools.

34 (H) It is the intent of the Legislature that the state's system of  
35 public school accountability be more closely aligned with both the  
36 public's expectations for public education and the workforce needs  
37 of the state's economy. It is therefore necessary that the  
38 accountability system evolve beyond its narrow focus on pupil test  
39 scores to encompass other valuable information about school  
40 performance, including, but not limited to, pupil preparedness for

1 college and career, as well as the high school graduation rates  
2 already required by law.

3 (I) The Superintendent shall annually determine the accuracy  
4 of the graduation rate data. Notwithstanding any other law,  
5 graduation rates for pupils in dropout recovery high schools shall  
6 not be included in the API. For purposes of this subparagraph,  
7 “dropout recovery high school” means a high school in which 50  
8 percent or more of its pupils have been designated as dropouts  
9 pursuant to the exit/withdrawal codes developed by the department  
10 or left a school and were not otherwise enrolled in a school for a  
11 period of at least 180 days.

12 (J) To complement the API, the Superintendent, with the  
13 approval of the state board, may develop and implement a program  
14 of school quality review that features locally convened panels to  
15 visit schools, observe teachers, interview pupils, and examine pupil  
16 work, if an appropriation for this purpose is made in the annual  
17 Budget Act.

18 (K) The Superintendent shall annually provide to local  
19 educational agencies and the public a transparent and  
20 understandable explanation of the individual components of the  
21 API and their relative values within the API.

22 (L) An additional element chosen by the Superintendent and  
23 the state board for inclusion in the API pursuant to this paragraph  
24 shall not be incorporated into the API until at least one full school  
25 year after the state board’s decision to include the element into the  
26 API.

27 (b) Pupil scores from the following tests, when available and  
28 when found to be valid and reliable for this purpose, shall be  
29 incorporated into the API:

30 (1) The standards-based achievement tests provided for in  
31 Section 60642.5.

32 (2) The high school exit examination.

33 (c) Based on the API, the Superintendent shall develop, and the  
34 state board shall adopt, expected annual percentage growth targets  
35 for all schools based on their API baseline score from the previous  
36 year. Schools are expected to meet these growth targets through  
37 effective allocation of available resources. For schools below the  
38 statewide API performance target adopted by the state board  
39 pursuant to subdivision (d), the minimum annual percentage growth  
40 target shall be 5 percent of the difference between the actual API

1 score of a school and the statewide API performance target, or one  
2 API point, whichever is greater. Schools at or above the statewide  
3 API performance target shall have, as their growth target,  
4 maintenance of their API score above the statewide API  
5 performance target. However, the state board may set differential  
6 growth targets based on grade level of instruction and may set  
7 higher growth targets for the lowest performing schools because  
8 they have the greatest room for improvement. To meet its growth  
9 target, a school shall demonstrate that the annual growth in its API  
10 is equal to or more than its schoolwide annual percentage growth  
11 target and that all numerically significant pupil subgroups, as  
12 defined in subdivision (a), are making comparable improvement.

13 (d) Upon adoption of state performance standards by the state  
14 board, the Superintendent shall recommend, and the state board  
15 shall adopt, a statewide API performance target that includes  
16 consideration of performance standards and represents the  
17 proficiency level required to meet the state performance target.

18 (e) (1) A school or school district with 11 to 99 pupils with  
19 valid test scores shall receive an API score with an asterisk that  
20 indicates less statistical certainty than API scores based on 100 or  
21 more test scores.

22 (2) A school or school district annually shall receive an API  
23 score, unless the Superintendent determines that an API score  
24 would be an invalid measure of the performance of the school or  
25 school district for one or more of the following reasons:

26 (A) Irregularities in testing procedures occurred.

27 (B) The data used to calculate the API score of the school or  
28 school district are not representative of the pupil population at the  
29 school or school district.

30 (C) Significant demographic changes in the pupil population  
31 render year-to-year comparisons of pupil performance invalid.

32 (D) The department discovers or receives information indicating  
33 that the integrity of the API score has been compromised.

34 (E) Insufficient pupil participation in the assessments included  
35 in the API.

36 (F) A transition to new standards-based assessments  
37 compromises comparability of results across schools or school  
38 districts. The Superintendent may use the authority in this  
39 subparagraph in the 2013–14 and 2014–15 school years only, with  
40 approval of the state board.

(3) If a school or school district has fewer than 100 pupils with valid test scores, the calculation of the API or adequate yearly progress pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be calculated over more than one annual administration of the tests administered pursuant to Section 60640 and the high school exit examination administered pursuant to Section 60851, consistent with regulations adopted by the state board.

(4) Any school or school district that does not receive an API calculated pursuant to subparagraph (F) of paragraph (2) shall not receive an API growth target pursuant to subdivision (c). Schools and school districts that do not have an API calculated pursuant to subparagraph (F) of paragraph (2) shall use one of the following:

(A) The most recent API calculation.

(B) An average of the three most recent annual API calculations.

(C) Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant subgroups.

(f) Only schools with 100 or more test scores contributing to the API may be included in the API rankings.

(g) The Superintendent, with the approval of the state board, shall develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools pursuant to Section 56366, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Schools in the alternative accountability system may receive an API score, but shall not be included in the API rankings.

(h) For purposes of this section, county offices of education shall be considered school districts.

SEC. 5. Section 52060 of the Education Code is amended to read:

52060. (a) On or before July 1, 2014, the governing board of each school district shall adopt a local control and accountability plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by a governing board of a school district shall be effective for a period of three years, and shall be updated on or before July 1 of each year.



(c) A local control and accountability plan adopted by a governing board of a school district shall include, for the school district and each school within the school district, ~~both~~ *all* of the following:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subdivision (d) and for any additional local priorities identified by the governing board of the school district. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in paragraphs (2) and (3) of subdivision (a) of Section 52052.

(2) A description of the specific actions the school district will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1), including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities listed in paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions of existing local collective bargaining agreements within the jurisdiction of the school district.

(3) *A listing and description of the expenditures for the initial fiscal year implementing the specific actions included in the local control and accountability plan.*

(4) *A listing and description of the expenditures for the initial fiscal year that will serve pupils to whom one or more of the definitions in Section 42238.01 apply, and pupils reclassified as fluent English proficient.*

(d) All of the following are state priorities:

(1) The degree to which the teachers of the school district are appropriately assigned in accordance with Section 44258.9, and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the school district has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair as specified in subdivision (d) of Section 17002.

(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted

1 pursuant to *former* Section 60811.3 as it read on June 30, 2013,  
2 or adopted pursuant to Section 60811.4 on or after January 1,  
3 2014, for purposes of gaining academic content knowledge and  
4 English language proficiency.

5 (3) Parental involvement, including efforts the school district  
6 makes to seek parent input in making decisions for the school  
7 district and each individual schoolsite, and including how the  
8 school district will promote parental participation in programs for  
9 unduplicated pupils and individuals with exceptional needs.

10 (4) Pupil achievement, *including for each subgroup as identified*  
11 *in Section 52052*, as measured by all of the following, as  
12 applicable:

13 (A) Statewide assessments administered pursuant to Article 4  
14 (commencing with Section 60640) of Chapter 5 of Part 33 or any  
15 subsequent assessment, as certified by the state board.

16 (B) The Academic Performance Index, as described in Section  
17 52052.

18 (C) The percentage of pupils who have successfully completed  
19 courses that satisfy the requirements for entrance to the University  
20 of California and the California State University, or career technical  
21 education sequences or programs of study that align with state  
22 board-approved career technical educational standards and  
23 frameworks, including, but not limited to, those described in  
24 subdivision (a) of Section 52302, subdivision (a) of Section  
25 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

26 (D) The percentage of English learner pupils who make progress  
27 toward English proficiency as measured by the California English  
28 Language Development Test or any subsequent assessment of  
29 English proficiency, as certified by the state board.

30 (E) The English learner reclassification rate.

31 (F) The percentage of pupils who have passed an advanced  
32 placement examination with a score of 3 or higher.

33 (G) The percentage of pupils who participate in, and demonstrate  
34 college preparedness pursuant to, the Early Assessment Program,  
35 as described in Chapter 6 (commencing with Section 99300) of  
36 Part 65 of Division 14 of Title 3, or any subsequent assessment of  
37 college preparedness.

38 (5) Pupil engagement, as measured by all of the following, as  
39 applicable:

40 (A) School attendance rates.

- 1 (B) Chronic absenteeism rates.
- 2 (C) Middle school dropout rates, as described in paragraph (3)
- 3 of subdivision (a) of Section 52052.1.
- 4 (D) High school dropout rates.
- 5 (E) High school graduation rates.
- 6 (6) School climate, as measured by all of the following, as
- 7 applicable:
- 8 (A) Pupil suspension rates.
- 9 (B) Pupil expulsion rates.
- 10 (C) Other local measures, including surveys of pupils, parents,
- 11 and teachers on the sense of safety and school connectedness.
- 12 (7) The extent to which pupils have access to, and are enrolled
- 13 in, a broad course of study that includes all of the subject areas
- 14 described in Section 51210 and subdivisions (a) to (i), inclusive,
- 15 of Section 51220, as applicable, including the programs and
- 16 services developed and provided to unduplicated pupils and
- 17 individuals with exceptional needs, and the program and services
- 18 that are provided to benefit these pupils as a result of the funding
- 19 received pursuant to Section 42238.02, as implemented by Section
- 20 42238.03.
- 21 (8) Pupil outcomes, if available, in the subject areas described
- 22 in Section 51210 and subdivisions (a) to (i), inclusive, of Section
- 23 51220, as applicable.
- 24 (9) *The extent to which teachers, administrators, and staff*
- 25 *receive professional development or participate in induction*
- 26 *programs, including the type and subject areas of the professional*
- 27 *development provided.*
- 28 (e) For purposes of the descriptions required by subdivision (c),
- 29 a governing board of a school district may consider qualitative
- 30 information, including, but not limited to, findings that result from
- 31 school quality reviews conducted pursuant to subparagraph (J) of
- 32 paragraph (4) of subdivision (a) of Section 52052 or any other
- 33 reviews.
- 34 (f) To the extent practicable, data reported in a local control and
- 35 accountability plan shall be reported in a manner consistent with
- 36 how information is reported on a school accountability report card.
- 37 (g) A governing board of a school district shall consult with
- 38 teachers, principals, administrators, other school personnel, local
- 39 bargaining units of the school district, parents, and pupils in
- 40 developing a local control and accountability plan.

1 (h) A school district may identify local priorities, goals in regard  
2 to the local priorities, and the method for measuring the school  
3 district's progress toward achieving those goals.

4 SEC. 6. Section 52061 of the Education Code is amended to  
5 read:

6 52061. (a) On or before July 1, 2015, and each year thereafter,  
7 a school district shall update the local control and accountability  
8 plan. The annual update shall be developed using a template  
9 developed pursuant to Section 52064 and shall include all of the  
10 following:

11 (1) A review of any changes in the applicability of the goals  
12 described in paragraph (1) of subdivision (c) of Section 52060.

13 (2) A review of the progress toward the goals included in the  
14 existing local control and accountability plan, an assessment of  
15 the effectiveness of the specific actions described in the existing  
16 local control and accountability plan toward achieving the goals,  
17 and a description of changes to the specific actions the school  
18 district will make as a result of the review and assessment.

19 (3) A listing and description of the expenditures for the fiscal  
20 year implementing the specific actions included in the local control  
21 and accountability plan and the changes to the specific actions  
22 made as a result of the reviews and assessment required by  
23 paragraphs (1) and (2).

24 (4) A listing and description of expenditures for the fiscal year  
25 that will serve the pupils to whom one or more of the definitions  
26 in Section 42238.01 apply and pupils redesignated as fluent English  
27 proficient.

28 (b) The expenditures identified in subdivision (a) *of this section*  
29 *and subdivision (c) of Section 52060* shall be classified using the  
30 California School Accounting Manual pursuant to Section 41010.

31 SEC. 7. Section 52063 of the Education Code is amended to  
32 read:

33 52063. (a) (1) The governing board of a school district shall  
34 establish a *districtwide* parent advisory committee to provide advice  
35 to the governing board of the school district and the superintendent  
36 of the school district regarding the requirements of this article.

37 (2) A parent advisory committee shall include parents or legal  
38 guardians of pupils to whom one or more of the definitions in  
39 Section 42238.01 apply.

(3) This subdivision shall not require the governing board of the school district to establish a new *districtwide* parent advisory committee if the governing board of the school district already has established a *districtwide* parent advisory committee that meets the requirements of this subdivision, including any committee established to meet the requirements of the federal No Child Left Behind Act of 2001 (Public Law 107-110) pursuant to Section 1112 of Subpart 1 of Part A of Title I of that act.

(b) ~~(1) The~~ *As a condition of receipt of state supplemental grant funds, the governing board of a school district shall establish an a districtwide English learner parent advisory committee if the enrollment of the school district includes at least 15 percent English learners and or the school district enrolls at least 50 pupils who are English learners.*

(c) *Districtwide English learner parent advisory committees shall advise the governing board of the school district on at least the following tasks:*

(1) *Establishment of school district goals and objectives for programs and services for English learners to ensure that the academic and language proficiency needs of English learners, including long-term English learners and English learners at risk of becoming long-term English learners, as defined in Section 313.1, are being met.*

(2) *Administration of the home language survey.*

(3) *School district reclassification procedures, consistent with the procedures developed pursuant to subdivision (f) of Section 313.*

~~(2)~~

(d) ~~This subdivision~~ *section shall not require the governing board of the school district to establish a new districtwide English learner parent advisory committee if the governing board of the school district already has established a school district level parent advisory committee that meets the applicable requirements of this subdivision.* ~~section.~~

SEC. 8. Section 52064 of the Education Code is amended to read:

52064. (a) On or before March 31, 2014, the state board shall adopt templates for the following purposes:

(1) For use by school districts to meet the requirements of Sections 52060 to 52063, inclusive.

1 (2) For use by county superintendents of schools to meet the  
2 requirements of Sections 52066 to 52069, inclusive.

3 (3) For use by charter schools to meet the requirements of  
4 Section 47606.5.

5 (b) The templates developed by the state board shall allow a  
6 school district, county superintendent of schools, or charter school  
7 to complete a single local control and accountability plan to meet  
8 the requirements of this ~~article~~ and *article*, the requirements of the  
9 federal No Child Left Behind Act of 2001 related to local  
10 educational agency plans pursuant to Section 1112 of Subpart 1  
11 of Part A of Title I of Public Law ~~107-110~~ *107-110*, and the  
12 *requirements of the federal No Child Left Behind Act of 2001*  
13 *(Public Law 107-110) and Section 64001 related to the Single*  
14 *Plan for Pupil Achievement, including the requirements of Title*  
15 *III of the federal No Child Left Behind Act of 2001 (Public Law*  
16 *107-110)*. The state board shall also take steps to minimize  
17 duplication of effort at the local level to the greatest extent possible.  
18 The template shall include guidance for school districts, county  
19 superintendents of schools, and charter schools to report both of  
20 the following:

21 (1) A listing and description of expenditures for the 2014–15  
22 fiscal year, and each fiscal year thereafter, implementing the  
23 specific actions included in the local control and accountability  
24 plan.

25 (2) A listing and description of expenditures for the 2014–15  
26 fiscal year, and each fiscal year thereafter, that will serve the pupils  
27 to whom one or more of the definitions in Section 42238.01 apply  
28 and pupils redesignated as fluent English proficient.

29 (c) *The templates developed by the state board shall ensure that*  
30 *each school district, county superintendent of schools, or charter*  
31 *school that receives supplemental and concentration funds for*  
32 *unduplicated pupils, pursuant to Sections 2574, 2575, 42238.02,*  
33 *and 42238.03, include information on the instructional programs*  
34 *and services provided to unduplicated pupils for the purpose of*  
35 *increasing their academic achievement, as referenced in Sections*  
36 *52060 and 52066, in its local control and accountability plan.*

37 (d) *The templates shall ensure that school districts, county*  
38 *superintendents of schools, or charter schools include information*  
39 *on the types of English language development instructional*  
40 *programs provided to English learners, and how those programs*

1 *support the core instructional program, including, but not limited*  
2 *to, the types of instructional materials provided to pupils and the*  
3 *professional development provided to schoolsite staff.*

4 ~~(e)~~

5 (e) If possible, the templates identified in paragraph (2) of  
6 subdivision (a) for use by county superintendents of schools shall  
7 allow a county superintendent of schools to develop a single local  
8 control and accountability plan that would also satisfy the  
9 requirements of Section 48926.

10 ~~(d)~~

11 (f) The state board shall adopt the template pursuant to the  
12 requirements of the Administrative Procedure Act (Chapter 3.5  
13 (commencing with Section 11340) of Part 1 of Division 3 of Title  
14 2 of the Government Code). The state board may adopt emergency  
15 regulations for purposes of implementing this section.

16 ~~(e)~~

17 (g) Revisions to a template or evaluation rubric shall be  
18 approved by the state board by January 31 before the fiscal year  
19 during which the template or evaluation rubric is to be used by a  
20 school district, county superintendent of schools, or charter school.

21 ~~(f)~~

22 (h) The adoption of a template or evaluation rubric by the state  
23 board shall not create a requirement for a governing board of a  
24 school district, a county board of education, or a governing body  
25 of a charter school to submit a local control and accountability  
26 plan to the state board, unless otherwise required by federal law.  
27 The Superintendent shall not require a local control and  
28 accountability plan to be submitted by a governing board of a  
29 school district or the governing body of a charter school to the  
30 state board. The state board may adopt a template or evaluation  
31 rubric that would authorize a school district or a charter school to  
32 submit to the state board only the sections of the local control and  
33 accountability plan required by federal law.

34 SEC. 9. Section 52066 of the Education Code is amended to  
35 read:

36 52066. (a) On or before July 1, 2014, each county  
37 superintendent of schools shall develop, and present to the county  
38 board of education for adoption, a local control and accountability  
39 plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by a county board of education shall be effective for a period of three years, and shall be updated on or before July 1 of each year.

(c) A local control and accountability plan adopted by a county board of education shall include, for each school or program operated by the county superintendent of schools, ~~both~~ *all* of the following:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subdivision (d), as applicable to the pupils served, and for any additional local priorities identified by the county board of education.

(2) A description of the specific actions the county superintendent of schools will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1), including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities listed in paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions of existing local collective bargaining agreements within the jurisdiction of the county superintendent of schools.

(3) *A listing and description of the expenditures for the fiscal year implementing the specific actions included in the local control and accountability plan pursuant to paragraph (2).*

(4) *A listing and description of expenditures for the fiscal year that will serve the pupils to whom one or more of the definitions in Section 42238.01 apply, and pupils redesignated as fluent English proficient.*

(d) All of the following are state priorities:

(1) The degree to which the teachers in the schools or programs operated by the county superintendent of schools are appropriately assigned in accordance with Section 44258.9 and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the schools or programs operated by the county superintendent of schools has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair as specified in subdivision (d) of Section 17002.

(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs



1 and services will enable English learners to access the common  
2 core academic content standards adopted pursuant to Section  
3 60605.8 and the English language development standards adopted  
4 pursuant to *former* Section 60811.3 *as it read on June 30, 2013,*  
5 *or adopted pursuant to Section 60811.4 on or after January 1,*  
6 *2014,* for purposes of gaining academic content knowledge and  
7 English language proficiency.

8 (3) Parental involvement, including efforts the county  
9 superintendent of schools makes to seek parent input in making  
10 decisions for each individual schoolsite and program operated by  
11 a county superintendent of schools, and including how the county  
12 superintendent of schools will promote parental participation in  
13 programs for unduplicated pupils and individuals with exceptional  
14 needs.

15 (4) Pupil achievement, *including for each of the subgroups*  
16 *identified pursuant to Section 52052,* as measured by all of the  
17 following, as applicable:

18 (A) Statewide assessments administered pursuant to Article 4  
19 (commencing with Section 60640) of Chapter 5 of Part 33 or any  
20 subsequent assessment, as certified by the state board.

21 (B) The Academic Performance Index, as described in Section  
22 52052.

23 (C) The percentage of pupils who have successfully completed  
24 courses that satisfy the requirements for entrance to the University  
25 of California and the California State University, or career technical  
26 education sequences or programs of study that align with state  
27 board-approved career technical education standards and  
28 frameworks, including, but not limited to, those described in  
29 subdivision (a) of Section 52302, subdivision (a) of Section  
30 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

31 (D) The percentage of English learner pupils who make progress  
32 toward English proficiency as measured by the California English  
33 Language Development Test or any subsequent assessment of  
34 English proficiency, as certified by the state board.

35 (E) The English learner reclassification rate.

36 (F) The percentage of pupils who have passed an advanced  
37 placement examination with a score of 3 or higher.

38 (G) The percentage of pupils who participate in, and demonstrate  
39 college preparedness pursuant to, the Early Assessment Program,  
40 as described in Chapter 6 (commencing with Section 99300) of

1 Part 65 of Division 14 of Title 3, or any subsequent assessment of  
2 college preparedness.

3 (5) Pupil engagement, as measured by all of the following, as  
4 applicable:

5 (A) School attendance rates.

6 (B) Chronic absenteeism rates.

7 (C) Middle school dropout rates, as described in paragraph (3)  
8 of subdivision (a) of Section 52052.1.

9 (D) High school dropout rates.

10 (E) High school graduation rates.

11 (6) School climate, as measured by all of the following, as  
12 applicable:

13 (A) Pupil suspension rates.

14 (B) Pupil expulsion rates.

15 (C) Other local measures, including surveys of pupils, parents,  
16 and teachers on the sense of safety and school connectedness.

17 (7) The extent to which pupils have access to, and are enrolled  
18 in, a broad course of study that includes all of the subject areas  
19 described in Section 51210 and subdivisions (a) to (i), inclusive,  
20 of Section 51220, as applicable, including the programs and  
21 services developed and provided to unduplicated pupils and  
22 individuals with exceptional needs, and the program and services  
23 that are provided to benefit these pupils as a result of the funding  
24 received pursuant to Section 42238.02, as implemented by Section  
25 42238.03.

26 (8) Pupil outcomes, if available, in the subject areas described  
27 in Section 51210 and subdivisions (a) to (i), inclusive, of Section  
28 51220, as applicable.

29 (9) How the county superintendent of schools will coordinate  
30 instruction of expelled pupils pursuant to Section 48926.

31 (10) How the county superintendent of schools will coordinate  
32 services for foster children, including, but not limited to, all of the  
33 following:

34 (A) Working with the county child welfare agency to minimize  
35 changes in school placement.

36 (B) Providing education-related information to the county child  
37 welfare agency to assist the county child welfare agency in the  
38 delivery of services to foster children, including, but not limited  
39 to, educational status and progress information that is required to  
40 be included in court reports.

1 (C) Responding to requests from the juvenile court for  
2 information and working with the juvenile court to ensure the  
3 delivery and coordination of necessary educational services.

4 (D) Establishing a mechanism for the efficient expeditious  
5 transfer of health and education records and the health and  
6 education passport.

7 *(11) The extent to which teachers, administrators, and staff*  
8 *receive professional development or participate in induction*  
9 *programs, including the type and subject areas of the professional*  
10 *development provided.*

11 (e) For purposes of the descriptions required by subdivision (c),  
12 a county board of education may consider qualitative information,  
13 including, but not limited to, findings that result from school quality  
14 reviews conducted pursuant to subparagraph (J) of paragraph (4)  
15 of subdivision (a) of Section 52052 or any other reviews.

16 (f) To the extent practicable, data reported in a local control and  
17 accountability plan shall be reported in a manner consistent with  
18 how information is reported on a school accountability report card.

19 (g) The county superintendent of schools shall consult with  
20 teachers, principals, administrators, other school personnel, local  
21 bargaining units of the county office of education, parents, and  
22 pupils in developing a local control and accountability plan.

23 (h) A county board of education may identify local priorities,  
24 goals in regard to the local priorities, and the method for measuring  
25 the county office of education's progress toward achieving those  
26 goals.

27 SEC. 10. Section 52067 of the Education Code is amended to  
28 read:

29 52067. (a) On or before July 1, 2015, and each year thereafter,  
30 a county board of education shall update the local control and  
31 accountability plan. The annual update shall be developed using  
32 a template developed pursuant to Section 52064 and shall include  
33 all of the following:

34 (1) A review of any changes in the applicability of the goals  
35 described in paragraph (1) of subdivision (c) of Section 52066.

36 (2) A review of the progress toward the goals included in the  
37 existing local control and accountability plan, an assessment of  
38 the effectiveness of the specific actions described in the existing  
39 local control and accountability plan toward achieving the goals,  
40 and a description of changes to the specific actions the county

1 office of education will make as a result of the review and  
2 assessment.

3 (3) A listing and description of the expenditures for the fiscal  
4 year implementing the specific actions included in the local control  
5 and accountability ~~plan~~ *plan, including the changes to the specific*  
6 *actions made* as a result of the reviews and assessment required  
7 by paragraphs (1) and (2).

8 (4) A listing and description of expenditures for the *county office*  
9 *of education and each school for the* fiscal year that will serve the  
10 pupils to whom one or more of the definitions in Section 42238.01  
11 apply and pupils redesignated as fluent English proficient.

12 (b) The expenditures identified in subdivision (a) *of this section*  
13 *and subdivision (c) of Section 52066* shall be classified using the  
14 California School Accounting Manual pursuant to Section 41010.

15 SEC. 11. Section 52069 of the Education Code is amended to  
16 read:

17 52069. (a) (1) A county superintendent of schools shall  
18 establish a parent advisory committee to provide advice to the  
19 county board of education and the county superintendent of schools  
20 regarding the requirements of this article.

21 (2) A parent advisory committee shall include parents or legal  
22 guardians of pupils to whom one or more of the definitions in  
23 Section 42238.01 apply.

24 (3) This subdivision shall not require the county superintendent  
25 of schools to establish a new parent advisory committee if the  
26 county superintendent of schools already has established a parent  
27 advisory committee that meets the requirements of this subdivision,  
28 including any committee established to meet the requirements of  
29 the federal No Child Left Behind Act of 2001 (Public Law  
30 107-110) pursuant to Section 1112 of Subpart 1 of Part A of Title  
31 I of that act.

32 (b) (1) A county superintendent of schools shall establish an  
33 English learner parent advisory committee if the enrollment of the  
34 pupils in the schools and programs operated by the county  
35 superintendent of schools includes at least 15 percent English  
36 learners ~~and or~~ the schools and programs operated by the county  
37 superintendent of schools enroll at least 50 pupils who are English  
38 learners.

39 (2) This subdivision shall not require the county superintendent  
40 of schools to establish a new English learner parent advisory

1 committee if the county superintendent of schools already has  
2 established a committee that meets the requirements of this  
3 subdivision.

4 *(3) A representative of the English learner parent advisory*  
5 *committee shall be a member of the parent advisory committee*  
6 *established pursuant to paragraph (1) of subdivision (a).*

7 SEC. 12. Section 52071 of the Education Code is amended to  
8 read:

9 52071. (a) If a county superintendent of schools does not  
10 approve a local control and accountability plan or annual update  
11 to the local control and accountability plan approved by a  
12 governing board of a school district, or if the governing board of  
13 a school district requests technical assistance, the county  
14 superintendent of schools shall provide technical assistance,  
15 including, among other things, any of the following:

16 (1) Identification of the school district's strengths and  
17 weaknesses in regard to the state priorities described in subdivision  
18 (d) of Section 52060, communicated in writing to the school  
19 district. This identification shall include a review of effective,  
20 evidence-based programs that apply to the school district's goals.

21 (2) Assignment of an academic expert or team of academic  
22 experts to assist the school district in identifying and implementing  
23 effective programs that are designed to improve the outcomes for  
24 all pupil subgroups identified pursuant to Section 52052. The  
25 county superintendent of schools may also solicit another school  
26 district within the county to act as a partner to the school district  
27 in need of technical assistance.

28 (3) Request that the Superintendent assign the California  
29 Collaborative for Educational Excellence to provide advice and  
30 assistance to the school district.

31 (b) Using an evaluation rubric adopted by the state board  
32 pursuant to Section 52064.5, the county superintendent of schools  
33 shall provide the technical assistance described in subdivision (a)  
34 to any school district that fails to improve pupil achievement across  
35 more than one state priority described in subdivision (d) of Section  
36 52060 for one or more pupil-subgroup subgroups identified  
37 pursuant to Section 52052.

38 (c) Technical assistance provided pursuant to this section at the  
39 request of a school district shall be paid for by the school district  
40 requesting the assistance.

1 SEC. 13. Section 52071.5 of the Education Code is amended  
2 to read:

3 52071.5. (a) If the Superintendent does not approve a local  
4 control and accountability plan or annual update to the local control  
5 and accountability plan approved by a county board of education,  
6 or if the county board of education requests technical assistance,  
7 the Superintendent shall provide technical assistance, including,  
8 among other things, any of the following:

9 (1) Identification of the county board of education's strengths  
10 and weaknesses in regard to the state priorities described in  
11 subdivision (d) of Section 52066, communicated in writing to the  
12 county board of education. This identification shall include a  
13 review of effective, evidence-based programs that apply to the  
14 board's goals.

15 (2) Assignment of an academic expert or team of academic  
16 experts, or the California Collaborative for Educational Excellence  
17 established pursuant to Section 52074, to assist the county board  
18 of education in identifying and implementing effective programs  
19 that are designed to improve the outcomes for all pupil subgroups  
20 identified pursuant to Section 52052. The Superintendent may also  
21 solicit another county office of education to act as a partner to the  
22 county office of education in need of technical assistance.

23 (b) Using an evaluation rubric adopted by the state board  
24 pursuant to Section 52064.5, the Superintendent shall provide the  
25 technical assistance described in subdivision (a) to any county  
26 office of education that fails to improve pupil achievement in  
27 regard to more than one state priority described in subdivision (d)  
28 of Section 52066 ~~for one or more pupil subgroups~~ *any pupil*  
29 *subgroup* identified pursuant to Section 52052.

30 (c) Technical assistance provided pursuant to this section at the  
31 request of a county board of education shall be paid for by the  
32 county board of education receiving assistance.

33 SEC. 14. Section 54030 is added to the Education Code, to  
34 read:

35 54030. A local educational agency shall expend unexpended  
36 economic impact aid balances received pursuant to this part only  
37 for purposes authorized in this part as it and adopted regulations  
38 read on June 30, 2013.

39 SEC. 15. If the Commission on State Mandates determines  
40 that this act contains costs mandated by the state, reimbursement

1 to local agencies and school districts for those costs shall be made  
2 pursuant to Part 7 (commencing with Section 17500) of Division  
3 4 of Title 2 of the Government Code.

O